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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,548	12/01/2003	Peter Kight	3350-0106B	7369

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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/608,548	<b>Applicant(s)</b> KIGHT ET AL.	
	<b>Examiner</b> Stefano Karmis	<b>Art Unit</b> 3624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The following communication is in response to Applicant's amendment filed 29 November 2005.

#### ***Status of Claims***

2. Claims 1, 3, 10 and 17 are previously presented. Claims 2, 4-9, 11-16 and 18-20 are originally filed. Claims 1-20 are currently pending.

#### ***Response to Arguments***

3. Applicant's arguments filed 29 November 2005 have been fully considered but are moot in view of the new grounds of rejection set forth below. Therefore claims 1-20 stand rejected and Applicant's request for allowance is respectfully declined.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson U.S. Patent 5,978,780 in view of Dent et al. (hereinafter Dent) U.S. Patent 6,128,603.

Claims 1-20 were previously rejected under 35 U.S.C. 102(b) as being anticipated by Watson U.S. Patent 5,978,780 as stated in the office action mailed 25 January 2005. Regarding claims 1, 8 and 15, Watson teaches a computer implemented method of billing and payment, comprising: transmitting bill information representing a plurality of bills from a plurality of billers, including first information representing a first of the plurality of bills of a first of the plurality of billers for a first of the plurality of payors (column 5, lines 43-65) and determining a risk associated with the payment of a bill (column 6, lines 1-30). Watson fails to teach paying bills based on an instruction received from a payor responsive to receiving a transmitted bill. Instead Watson sends billing information to the personal settlements exchange. Dent teaches a consumer-based system and method for managing and paying electronic billing statement in which consumers receive billing statements electronically from the Internet (column 4, lines 59-

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62). After receipt of the bill, the consumer can elect to pay the bill electronically and may return a payment instruction to the biller or a representative of the biller, over the Internet (column 5, lines 4-6).

Further, Watson does teach selecting a debit type based on a determined risk. Watson first teaches that that instructions for debit specify whether to use electronic debit or credit/charge card debit (column 4, lines 55-65). Further, Watson teaches that the personal settlements exchange contains a payment reserve and credit enhancement feature, which backstops the liquidity of the system, and ensures the payments are made on a timely manner and in full amount to each service establishment (column 21, lines 7-21). Similarly, Dent mentions that there are risks with conventional bill payment (column 1, lines 34-46). Dent therefore teaches a cashflow analyzer that suggests charging certain amounts to credit cards in order to avoid late payments (column 10, lines 1-14). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of Watson which has a personal settlement exchange to pay bills and include bill processing teachings of Dent because consumers want ultimate control when paying their bills and Dent provides for sending the bill information to a representative, a personal settlement exchange in this case, and not directly back to the biller. Both Watson and Dent also determine the most appropriate debit types based on analyzing a consumer's financial status in accordance with risk.

Claims 2, 9 and 16, the debit type is selected from a group including, debiting a deposit account associated with the first payor and debiting a deposit account associated with a service provider (column 4, line 55 thru column 5, line 32).

Claims 3, 10 and 17, if the debiting of the deposit account associated with the first payor is selected, the payment is initiated by one of (i) directing an ACH crediting to a deposit account associated with the first biller of ACH debited funds from the deposit account associated with the first payor, and (ii) directing preparation of a negotiable instrument payable to the first biller drawn on the deposit account associated with the first payor (column 15, lines 27-60); and if the debiting of the deposit account associated with the service provider is selected, the payment is initiated by one of (i) directing an ACH crediting to the deposit account associated with the first biller of the ACH debited funds from the deposit account associated with the service provider, (ii) directing another type of RPS crediting to the deposit account associated with the first biller of debited funds from the deposit account associated with the service provider and (iii) directing preparation of a negotiable instrument payable to the first biller drawn on the deposit account associated with the service provider (column 15, lines 61 thru column 16, lines 17).

Claims 4, 11 and 18, directing the ACH crediting to the deposit account associated with the service provider of other ACH debited funds from the deposit account associated with the first payor, if the debiting of the deposit account associated with the service provider is selected (column 16, lines 52-62).

Claims 5, 12, and 19 the received payment instruction has an associated payment amount; and the risk is determined based on a relationship between the payment amount and a payment amount threshold associated with all of the plurality of payors (column 13, lines 25-67).

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Claims 6 and 13, the received payment instruction has an associated payment amount; and the risk is determined based on a relationship between the payment amount and a payment amount threshold associated with one of the first payor and the first biller (column 13, lines 25-67).

Claims 7, 14 and 20, the received payment instruction has an associated payment amount; the payment of the first bill is directed to be made within a time period; and the risk is determined based on a relationship between the payment amount plus a sum of other payment amounts associated with other payment instructions which have been received from the first payor for payments within the time period and a payment amount threshold (column 13, lines 25-67).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (571) 272-6744. The examiner can normally be reached on M-F: 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully Submitted  
Stefano Karmis  
06 February 2006



**HANI M. KAZIMI**  
**PRIMARY EXAMINER**